

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JUSTYNA JENSEN,

Plaintiff,

v.

MARYLAND CANNABIS
ADMINISTRATION AND WILLIAM
TILBURG,

Defendants.

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No. 1:24-CV-00273-BAH

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DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendants Maryland Cannabis Administration and William Tilburg (“Defendants”), by and through their undersigned counsel, hereby move to dismiss plaintiff Justyna Jensen (“Plaintiff”)’s complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that:

(1) Plaintiff has failed to state a claim upon which relief can be granted because the dormant Commerce Clause does not apply to Maryland’s cannabis licensing;

(2) Plaintiff has failed to state a claim upon which relief can be granted because the doctrine of laches precludes Plaintiff from obtaining equitable relief in the form of an injunction and declaratory judgment.

The grounds for Defendants’ Motion are set forth more fully in the accompanying memorandum of law, which is filed herewith and is incorporated herein by reference.

WHEREFORE, Defendants respectfully request that their Motion to Dismiss be granted in its entirety, that Plaintiff’s complaint be dismissed with prejudice.

Dated: March 8, 2024

Respectfully submitted,

ANTHONY BROWN
Attorney General of Maryland

/s/ Heather B. Nelson

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CERTIFICATE OF SERVICE

I certify that on this 8th day of March 2024 the foregoing was served by CM/ECF on all registered CM/ECF users.

/s/ James N. Tansey

James N. Tansey